

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LEONARD K. BAYLIS,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 06-11-SLR
)	
STANLEY TAYLOR, et al.,)	
)	
Defendants.)	

STATE DEFENDANTS' ANSWER TO THE COMPLAINT

COME NOW the State Defendants Stanley Taylor and Thomas Carroll ("State Defendants"), by and through the undersigned counsel, and hereby answer the Complaint.

Because the Complaint is not set forth in numbered paragraphs, each sentence is identified and responded to as follows:

Statement of Claim

1. Sentence beginning "I have mental health problems:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

2. Sentence beginning "Since 17 Nov. 05:" Denied.

3. Sentence beginning "Mr. Stan Taylor:" Denied as to State Defendants.

Statement of Claims Addendum

4. Sentence beginning "I have mental health problems:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

5. Sentence beginning "I had been receiving treatment:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

6. Sentence beginning "I had also been receiving:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

7. Sentence beginning "Upon arrival:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

8. Sentence beginning "After a time:" Denied.

9. Sentence beginning "One of my medications:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

10. Sentence beginning "To clarify one aspect:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

11. Sentence beginning "My neural system:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

12. Sentence beginning "This in turn:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

13. Sentence beginning "I arrived:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

14. Sentence beginning "With the proper medications:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

15. Sentence beginning "I have, thus far:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

16. Sentence beginning "I am housed:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

17. Sentence beginning "Sometimes I cannot:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

18. Sentence beginning "I forget:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

19. Sentence beginning "Without proper medication:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

20. Sentence beginning "Sometimes I get:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

21. Sentence beginning "It is hard:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

22. Sentence beginning "Often it is:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

23. Sentence beginning "I have asked:" Denied.

24. Sentence beginning "As part of my:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

25. Sentence beginning "Since March 05:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

26. Sentence beginning "However, any:" State Defendants are without sufficient information to admit or deny the allegations set forth in this sentence.

RELIEF

1. It is specifically denied that Plaintiff is entitled to compensatory damages or punitive damages.
2. It is specifically denied that Plaintiff is entitled to injunctive or any other relief.

AFFIRMATIVE DEFENSES

3. Plaintiff has failed to state a claim upon which relief can be granted.
4. Plaintiff has failed to exhaust his administrative remedies.
5. State Defendants are immune from liability under the Eleventh Amendment.
6. State Defendants are entitled to qualified immunity.
7. As to any claims under state law, State Defendants are entitled to immunity under the State Tort Claims Act, 10 *Del. C.* § 4001 *et seq.*
8. As to any claims under state law, State Defendants are entitled to sovereign immunity in their official capacities.
9. State Defendants cannot be held liable in the absence of personal involvement for the alleged constitutional deprivations.
10. To the extent that Plaintiff seeks to hold State Defendants liable based on supervisory responsibilities, the doctrine of *respondeat superior* or vicarious liability is not a basis for liability in an action under 42 *U.S.C.* § 1983.

11. State Defendants, in their official capacities, are not liable for alleged violations of Plaintiff's constitutional rights as they are not "persons" within the meaning of 42 U.S.C. § 1983.

12. Insufficiency of service of process.

13. Insufficiency of process.

14. Lack of jurisdiction over the person and subject matter.

WHEREFORE, State Defendants respectfully request that judgment be entered in their favor and against Plaintiff as to all claims and that attorney fees be awarded to them.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Eileen Kelly
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Attorney for State Defendants

Date: February 23, 2006

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2006, I electronically filed *Answer to the Complaint* with the Clerk of Court using CM/ECF. I hereby certify that on February 23, 2006, I have mailed by United States Postal Service, the document to the following non-registered party: Leonard Baylis.

/s/ Eileen Kelly
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